United Nations A/70/L.40

General Assembly

Distr.: Limited
19 January 2016

Original: English

Seventieth session
Agenda item 33
The role of diamonds in fuelling conflict

Angola, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts

The General Assembly,

Recognizing that the trade in conflict diamonds continues to be a matter of serious international concern, which can be directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate Governments and the illicit traffic in and proliferation of armaments, especially small arms and light weapons,

Recognizing also the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries, and the systematic and gross human rights violations that have been perpetrated in such conflicts,

Noting the negative impact of such conflicts on regional stability and the obligations placed upon States by the Charter of the United Nations regarding the maintenance of international peace and security, and recognizing that continued action to curb the trade in conflict diamonds is imperative,

Noting with appreciation that the Kimberley Process, as an international initiative led by Participants has pursued its deliberations on an inclusive basis involving concerned stakeholders, including producing, exporting and importing States, the diamond industry and civil society, as well as applicant States and international organizations,

Please recycle

Recalling that the elimination of conflict diamonds from legitimate trade is the primary objective of the Kimberly Process, and stressing the need to continue its activities in order to achieve this objective,

Welcoming the important contribution of the Kimberley Process, which was initiated by African diamond-producing countries, and calling for the consistent implementation of commitments made by Kimberly Process Participants and the diamond industry and civil society organizations, as observers,

Acknowledging the successful role that the Kimberley Process has played, in the last 13 years, in stemming the flow of conflict diamonds and the significant developmental impact it has had in improving the lives of people dependent on the trade in diamonds, and noting that the plenary meeting of the Process, in looking towards the future, committed to continue to ensure that the Process remains relevant as a credible tool in curbing the illegal flow of rough diamonds,

Acknowledging also that the diamond sector is an important catalyst for promoting economic and social development, which are necessary for poverty reduction and meeting the requirements of the Sustainable Development Goals in many producing countries, particularly in developing countries,

Recalling its resolution 70/1 of 25 September 2015, entitled "Transforming our world: 2030 Agenda for Sustainable Development", in which it adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, committed itself to working tirelessly for the full implementation of the Agenda by 2030, recognized that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, and expressed its commitment to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner and to building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business,

Bearing in mind the positive benefits of the legitimate diamond trade to producing countries, and underlining the need for continued international action to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of the producing, exporting and importing States,

Noting that the vast majority of rough diamonds produced in the world are from legitimate sources,

Recalling the Charter and all the relevant resolutions of the Security Council related to conflict diamonds, and determined to contribute to and support the implementation of the measures provided for in those resolutions,

Recalling also Security Council resolution 1459 (2003) of 28 January 2003, in which the Council strongly supported the Kimberly Process Certification Scheme[1] as a valuable contribution against trafficking in conflict diamonds,

Noting with satisfaction that the implementation of the Kimberly Process Certification Scheme continues to have a positive impact in reducing the opportunity for conflict diamonds to play a role in fuelling armed conflict and helps

[1] See A/57/489.

to protect legitimate trade and ensure the effective implementation of the relevant resolutions on trade in conflict diamonds,

Acknowledging that lessons learned from the Kimberley Process may be useful for the work of the Peacebuilding Commission in its consideration of the countries included in its agenda, as appropriate,

Recalling its resolutions 55/56 of 1 December 2000, 56/263 of 13 March 2002, 57/302 of 15 April 2003, 58/290 of 14 April 2004, 59/144 of 15 December 2004, 60/182 of 20 December 2005, 61/28 of 4 December 2006, 62/11 of 26 November 2007, 63/134 of 11 December 2008, 64/109 of 11 December 2009, 65/137 of 16 December 2010, 66/252 of 25 January 2012, 67/135 of 18 December 2012, 68/128 of 18 December 2013 and 69/136 of 12 December 2014, in which it called for the development and implementation as well as a periodic review of proposals for a simple, effective and pragmatic international certification scheme for rough diamonds,

Welcoming, in this regard, the implementation of the Kimberley Process Certification Scheme in such a way as not to impede the legitimate trade in diamonds or impose an undue burden on Governments or industry, particularly smaller producers, nor hinder the development of the diamond industry,

Welcoming also the decision of the 54 Kimberley Process Participants, representing 81 countries, including the 28 Member States of the European Union represented by the European Commission, to address the problem of conflict diamonds by participating in the Kimberley Process and implementing the Kimberley Process Certification Scheme,

Noting the outcomes of the thirteenth plenary meeting of the Kimberley Process, hosted in Luanda by Angola from 16 to 20 November 2015,

Welcoming the important contribution to fulfilling the purposes of the Kimberley Process that has been made and continues to be made by civil society organizations from across Participant countries, and the diamond industry, in particular the World Diamond Council, which represents all aspects of the diamond industry in the Kimberley Process, to assist international efforts to stop the trade in conflict diamonds,

Welcoming also the voluntary self-regulation initiatives for the diamond industry announced by the World Diamond Council, and recognizing that a system of such voluntary self-regulation contributes, as described in the Interlaken Declaration of 5 November 2002 on the Kimberley Process Certification Scheme for Rough Diamonds,[1] to ensuring the effectiveness of national systems of internal control for rough diamonds,

Recognizing that State sovereignty should be fully respected and that the principles of equality, mutual benefits and consensus should be adhered to,

Recognizing also that the Kimberley Process Certification Scheme, which came into effect on 1 January 2003, will be credible only if all Participants have the requisite national legislation coupled with effective and credible internal systems of control designed to eliminate the presence of conflict diamonds in the chain of producing, exporting and importing rough diamonds within their own territories and across their borders, while taking into account that differences in production methods and trading practices, as well as differences in the institutional controls

thereof, may require different approaches to meeting minimum standards, and encouraging all Participants to work towards overall compliance with the Kimberley Process standards,

Welcoming the efforts to improve the normative framework of the Kimberley Process through the elaboration of new rules and procedural norms to regulate the activities of its working bodies, Participants and observers and the streamlining of the procedures for preparation and adoption of the decisions and documents of the Kimberley Process, thereby enhancing the effectiveness of the Kimberley Process Certification Scheme,

1. *Reaffirms its strong and continuing support* for the Kimberley Process Certification Scheme and the Kimberley Process as a whole;

2. *Recognizes* that the Kimberley Process Certification Scheme helps to ensure the effective implementation of relevant resolutions of the Security Council containing sanctions on the trade in conflict diamonds and contributes to the prevention of future conflicts fuelled by diamonds, and calls for the full implementation of existing Council measures targeting the illicit trade in rough diamonds, particularly conflict diamonds which play a role in fuelling conflict;

3. *Also recognizes* the important contributions that the international efforts to address the problem of conflict diamonds, including the Kimberley Process, have made to the settlement of conflicts and the consolidation of peace in Angola, Côte d'Ivoire, Liberia and Sierra Leone;

4. *Notes* the efforts to further strengthen implementation of the Kimberley Process, including efforts to continue to examine the application of the Kimberley Process Certification Scheme requirements in cross-border Internet sales;

5. *Also notes* the decision of the General Council of the World Trade Organization of 15 May 2003 granting a waiver with respect to the measures taken to implement the Kimberley Process Certification Scheme, effective from 1 January 2003 to 31 December 2006, the decision of the General Council of 17 November 2006 granting an extension of the waiver until 31 December 2012, and the decision of the General Council of 11 December 2012 granting an extension of the waiver until 31 December 2018;

6. *Takes note* of the report of the Chair of the Kimberley Process submitted pursuant to General Assembly resolution 69/136,[2] and congratulates the Participants, industry and observers involved in the Kimberley Process for contributing to the development, implementation and monitoring of the Kimberley Process Certification Scheme;

7. *Acknowledges* the progress made by Kimberley Process working groups, Participants and observers during 2015 in fulfilling the objectives set by the Chair to strengthen implementation of the peer review system, increase the transparency and accuracy of statistics, promote research into the traceability of diamonds, promote inclusiveness by broadening the level of involvement by Governments, industry and civil society in the Kimberley Process, foster a sense of ownership by Participants and observers, improve information and communication flows and enhance the capacity of the Kimberley Process to respond to emerging challenges;

[2] A/70/596, annex.

8. *Notes* that the annual reporting process on Kimberley Process Certification Scheme implementation is the main comprehensive and regular source of information on the implementation of the Kimberley Process provided by Participants, and calls upon Participants to submit consistent and substantive annual reports in order to conform to this requirement;

9. *Expresses appreciation* to Armenia, the Congo, Mexico, Swaziland, the United Arab Emirates and the European Union for receiving review visits in 2015, welcomes their commitment to continuously open their certification systems to reviews and improvements, and expresses appreciation that a review visit was conducted in Côte d'Ivoire pursuant to Security Council resolution 2153 (2014) of 29 April 2014;

10. *Acknowledges* the expressions of interest to host review visits, by Belarus, Brazil, Cameroon, the Democratic Republic of the Congo, Ghana, the Lao People's Democratic Republic, Lesotho, Mauritius, Norway, Panama, Sierra Leone and Togo, and calls upon other Participants to continue to invite review visits and to participate actively under the Kimberley Process peer review system;

11. *Also acknowledges* the efforts of the Kimberley Process to strengthen implementation and enforcement, and in particular to ensure the coordination of its actions in relation to the occurrence of fraudulent certificates, to apply vigilance and ensure the detection and reporting of shipments of suspicious origin and to facilitate the exchange of information in cases of infringement, and acknowledges with appreciation the increased level of collaboration among Participants and with the World Customs Organizations in this matter;

12. *Stresses* that the widest possible participation in the Kimberly Process Certification Scheme is essential, encourages Participants to contribute to the work of the Kimberley Process by seeking membership, participating actively in the Certification Scheme and complying with its undertakings, and acknowledges the importance of the increased involvement of civil society organizations in the Kimberley Process;

13. *Calls upon* the Participants of the Kimberley Process to continue to articulate and improve rules and procedures to further enhance the effectiveness of the Kimberley Process Certification Scheme, and notes with satisfaction the systematization of the work of the Kimberley Process with respect to developing transparent and uniform rules and procedures and improving the mechanism for consultations and coordination within the Kimberley Process;

14. *Notes with appreciation* the willingness of Kimberley Process Participants and observers to support and provide technical assistance to those Participants experiencing temporary difficulties in complying with the requirements of the Kimberley Process Certification Scheme;

15. *Recognizes* the importance of the Kimberley Process in promoting economic development, particularly in the artisanal and small-scale diamond mining sector, and encourages an increased focus on issues related to development, including through the work of the Diamond Development Initiative, within the framework of the Kimberley Process;

16. *Welcomes* the recent steps taken by the Mano River Union countries (Côte d'Ivoire, Guinea, Liberia and Sierra Leone) to create a new impetus for

further regional cooperation with respect to compliance with the Kimberley Process Certification Scheme, an initiative highlighted by the Security Council in its resolution 2153 (2014), in which the Council lifted the embargo on the export of rough diamonds from Côte d'Ivoire, also welcomes the continuous support to the Mano River Union countries provided by the technical team of the Working Group on Monitoring and the group of Friends of the Mano River Union, in particular ongoing efforts to formalize the role of the secretariat of the Mano River Union and involve other implementing partners and/or technical assistance providers, and expresses its appreciation to Angola for facilitating the coordination meetings with the Mano River Union during the year of its chairmanship;

17. *Notes* that the plenary meeting of the Kimberley Process took note of a report on the preliminary findings and observations of the review mission conducted in the Central African Republic, encouraged the Central African Republic to further implement its work plan and road map for strengthening the internal control system and requested the review mission team to finalize its report, and, in this connection, encourages the Central African Republic to continue its efforts to provide the information requested by the review mission team;

18. *Also notes* that the plenary meeting took note of the steps taken by the follow-up committee of the Central African Republic and the Kimberly Process monitoring team, consistent with the terms of reference of the team, to implement the administrative decision on the resumption of exports of rough diamonds from the Central African Republic, as approved through written procedure on 17 July 2015, encouraged Kimberley Process authorities in the Central African Republic to continue to implement the administrative decision and to share any relevant information and data with the monitoring team and invited the monitoring team to continue to carry out its responsibilities as outlined in the administrative decision and proceed with the planning of a field mission to diamond-producing areas in the Central African Republic as soon as possible, in order to verify the situation on the ground with a view to validating the country's proposal for determining "compliant zones" from which the export of rough diamonds could resume;

19. *Further notes* that the plenary meeting noted that the Republic of Angola had been providing technical assistance and logistical support to the Central African Republic and that the United States of America planned to resume the property rights and artisanal diamond development project in the Central African Republic with a view to enhancing the country's capacity and assisting it with the implementation of the administrative decision and operational framework for the resumption of exports of rough diamonds, and notes that the plenary meeting encouraged other Participants and observers to also consider providing similar or other technical assistance;

20. *Notes* that the plenary meeting encouraged the Central African Republic and the Kimberley Process monitoring team to continue working closely with relevant United Nations actors, notably the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Panel of Experts on the Central African Republic established pursuant to Security Council resolution 2127 (2013) of 5 December 2013, the international community and neighbouring countries on Kimberley Process Certification Scheme compliance issues with a regional dimension;

21. *Acknowledges* the positive efforts of the Bolivarian Republic of Venezuela towards fully participating in the Kimberley Process, and notes the plans of the Kimberley Process to send a review mission to that country no later than the end of the first quarter of 2016;

22. *Notes with appreciation* the role played by the Kimberley Process Administrative Support Mechanism, hosted by the World Diamond Council in 2015;

23. *Also notes with appreciation* the continued support provided by the Antwerp World Diamond Centre for the further development of the Kimberley Process website, which has been enhanced significantly already to make it a more efficient and effective tool;

24. *Reaffirms* the commitment of the Kimberley Process to continue dialogue on decision-making and on the definition of "conflict diamonds", in accordance with the final communiqué of the plenary meeting held in Johannesburg in November 2013;

25. *Also reaffirms* the importance of the tripartite nature of the Kimberley Process, and welcomes the offer by the World Diamond Council to mediate between the Chair of the Kimberley Process for 2016 and the Civil Society Coalition in order to find a way forward for future constructive engagements with civil society in recognition of the important role that civil society plays in the process;

26. *Encourages* further improvement in enforcement of the Kimberley Process Certification Scheme, and notes the new efforts made to increase information-sharing and collaboration in enforcement;

27. *Acknowledges with great appreciation* the important contribution that Angola, as Chair of the Kimberley Process in 2015, made towards curbing the trade in conflict diamonds, and welcomes the selection of the United Arab Emirates as the Chair and Australia as the Vice Chair of the Kimberley Process for 2016;

28. *Requests* the Chair of the Kimberley Process to submit to the General Assembly at its seventy-first session a report on the implementation of the Kimberley Process;

29. *Decides* to include in the provisional agenda of its seventy-first session the item entitled "The role of diamonds in fuelling conflict".